

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE**

Albert R. Kuperman

v.

Civil No. 07-cv-245-PB

Warden, New Hampshire State Prison

O R D E R

Pursuant to 28 U.S.C. § 2254, Albert R. Kuperman has filed a petition for a writ of habeas corpus and amendments thereto challenging the constitutionality of his state court convictions and sentences (document nos. 1, 4, 7, 9, 10, 11 and 15). See Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts ("Habeas Rule") (requiring initial review to determine whether the petition is facially valid). By report and recommendation issued simultaneously herewith, I recommend that Grounds 1-7 and 9-13 of the petition be dismissed as time-barred because they pertain to Kuperman's conviction of December 12, 2003 and his probation violation of April 20, 2004. I further recommend that Ground 8 be dismissed, in part, as time-barred to the extent it pertains to Kuperman's conviction of December 12, 2003 and his probation violation of April 20, 2004.

To the extent Kuperman intends to challenge a conviction of February 28, 2006, he is ordered to identify the conviction and underlying claims, if any, and indicate whether he presented the federal nature of his claims to the NHSC for review. The amended petition should, at a minimum, (1) identify the name and location of the court that convicted Kuperman; (2) state whether he went to trial; (3) identify all crimes of which he was convicted and sentenced; (4) indicate whether or not the conviction was appealed and, if so, identify all appellate courts and provide copies of all relevant pleadings and orders; and (5) identify the precise violation of federal law that he is alleging with regard to that conviction.

To the extent Kuperman seeks enforcement of a plea agreement, he should indicate this in his amended petition and identify the precise violation of federal law that he is alleging with regard to that claim (for example, if he intends to allege that he was denied due process under the Fourteenth Amendment when certain terms of his plea agreement were breached he should state so in his amended petition). In addition, he should provide this court with all relevant pleadings and documents pertaining to that agreement.

Kuperman should file his amended petition within thirty (30) days. Failure to comply with this order may result in my recommendation to the presiding judge that the petition be dismissed without prejudice.

SO ORDERED.


James R. Muirhead
United States Magistrate Judge

Date: September 28, 2007

cc: Albert R. Kuperman, pro se